HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO. 23793 OF 2006

Between:

E. Ramana Goud

..... Petitioner

AND

The Station House Officer,
P.S. Devaruppala, Warangal District & others

.....Respondents

:: O R D E R ::

Counsel for the petitioner : None

Counsel for the respondents : Government Pleader for Home

Dated: 30.11.2006

Per G.S.SINGHVI, CJ

In this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issue of a direction to the respondents to produce the detenu namely Kandukuri Kondaiah, S/o Kondaiah, aged 42 years, resident of Ambedkar Colony, Thirumalagiri Village and Mandal, Nalgonda District before this Court, record his statement and take appropriate action against the erring police officials.

Although no one has appeared for the petitioner, after having gone through the averments contained in the counter-affidavit of Shri A. Srinivas, Sub-Inspector of Police, Devaruppala Police Station, Warangal District, we do not consider it necessary to defer the adjudication of the writ petition.

In para 3 of his affidavit, Shri Srinivas has made the following averments:

> " It is submitted that on 13.11.2006 as per the instruction of Sub-Divisional Police Officer, Jangaon, I along with my staff were conducting vehicular check at Seetharamapuram Bus Stop, Devaruppala Mandal, Warangal District. At about 17.00 hours one R.T.C. Bus plying from Thirumalagiri to Jangaon stopped at Seetharamapuram Bus Stop. One person got down from the said bus and on seeing the police at the bus stop started running. Immediately the police party chased and apprehended the said person, secured the presence of mediators and interrogated him in their presence. On examination, the said person revealed his name as Kandukuri Kondaiah S/o Kondaiah resident of Ambedkar Nagar, Thirumalagiri of Nalgonda District. He further confessed that he is a CPI (ML) Prathighatana Rythu Cooli Sangam,

Secretary of Jangaon Division. On searching him the police party found two country made coupling bombs and the same were recovered from his possession under the cover of Panchanama. Later I brought the said accused to the Police Station, Devaruppala, lodged a report to the Station House Officer, Devaruppala Police Station (Head Constable No.602) and handed over the accused and the seized property along with the original Panchanama and requested for necessary action. On receipt of the said complaint, the Station House Officer, Devaruppala Police Station (H.C.No.602) registered a case in Crime No.49/2006 under Section 5 of Explosives Substances Act. It is submitted that as the Station House Officer in the above crime is the Head Constable, the Inspector of Police, Palakurthi Circle, issued a Memo C.No.130/CI-E2/2006 dated 14.11.2006 to the Sub-Inspector of Police, Palakurthi Police Station, to take up further investigation in the above crime. Accordingly the Sub-Inspector of Police, Palakurthi Police Station took up further investigation in the above crime on 14.11.2006. During the course of further investigation, the investigating officer examined the police party men, who apprehended the alleged detenu herein and recorded the statements of the police party men. The investigating officer also further examined the alleged detenu herein, who confessed that since 1993, he is participating in CPI(ML) Janashakthi Party works and he is the party member. He also further confessed that he had given shelter to the U.G. cadre accused and he was arrested by Kodakandla Police Station in Crime No.90/2004 U/s 384 IPC and Sections 25(1) of Indian Arms Act. He was remanded to judicial custody in the said crime and thereafter he was enlarged on bail. He also confessed that he changed his party from CPI (ML) Janashakthi to CPI (ML) Prathigatana

in the year 2005 and in the year 2006 June, he was nominated as the President of Rythu Cooli Sangam, Jangaon Division. He has also further confessed that he is working under the guidelines of the under ground cadre extremists. He has also confessed that one unknown U.G. cadre Extremist came to his house and gave two country made coupling bombs and asked him to hand over the same to CPI (ML) Zonal Secretary, Jangaon Division at Seetharamapuram Bus stop. Accordingly he started from Thirumalagiri in R.T.C. bus and got down at Seetharamapuram Bus stop and there he was caught by the police. Basing on the above confession, the Sub-Inspector of Police, Palakurthi Police Station produced the alleged detenu before the Judicial First Class Magistrate, III M.M. Court, Warangal on 14.11.2006. The learned Magistrate remanded him to judicial custody and pursuant to the order of remand, now he is lodged at Central Prison, Warangal."

Since the petitioner has not controverted the above re-produced averments, it is not possible to entertain his prayer for issue of a writ of habeas corpus.

With the above observations, the writ petition is dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

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30.11.2006